(61)

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR
DIVISION BENCH

CORAM : HON'BLE SHRI S.R. NAYAK, CJ.
HON'BLE SHRI V.K. SHRIVASTAVA, J.

Writ Petition (C) No. 6176 OF 2006

PETITIONER Smt. Kaushilya Khute W/o Shri A.L. Khute, aged about 36 years, R/o F-19, New Rajendra Nagar, Raipur, Tehsil & Dist. Raipur (C.G.)

Versus

RESPONDENT State Bank of India, Phaphadih Branch, Raipur, Chhattisgarh Through Authorized Officer cum Manager

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Present : Shri Abhijit C Thakur, counsel for the petitioner.

ORAL ORDER
(Passed on 10-11-2006)

The following oral order of the Court was passed by

S.R. Nayak, CJ.

The Debts Recovery Tribunal (for short "the DRT"), Jabalpur by the order impugned in this writ petition refused to grant ad-interim injunction restraining the respondent of selling the property in auction. The correctness of the same is assailed in this writ petition. The very contention which was urged before the DRT that the DRT has discretion to condone the delay in making the application filed beyond 45 days from the date of measures taken under Section 13 (4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "the Act") was reiterated before us also. But, the fact remains that the petitioner admittedly did not make any application to condone the delay in making the application under Section 17 of the Act. It is seen from the impugned order that

the auction was scheduled to be held on 12-10-2006, and the learned counsel, in the course of hearing, would tell us that as proposed, the auction was held on 12-10-2006.

(2) In the circumstance, there is no ground for us to step-in under Article 227 of the Constitution of India and interfere with the refusal of the DRT to grant ad-interim injunction. The writ petition is, therefore, dismissed. No costs.

Sd/-
Chief Justice

Sd/-
V.K.Shrivastava
Judge

Subby